



## UNITED STATES PATENT AND TRADEMARK OFFICE

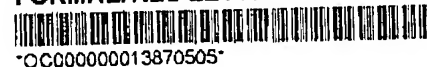
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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/680,806         | 10/07/2003             | John R. Walker        | P0057US10              |

29490  
GENOMICS INSTITUTE OF THE  
NOVARTIS RESEARCH FOUNDATION  
10675 JOHN JAY HOPKINS DRIVE, SUITE E225  
SAN DIEGO, CA 92121-1127

CONFIRMATION NO. 4804

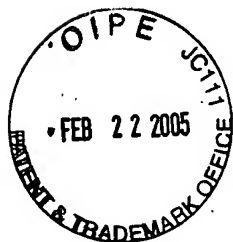
## FORMALITIES LETTER



\*0000000013870505\*

Response: Nov. 23, 2004

Date Mailed: 09/23/2004



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$86 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$216 for a Large Entity

- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$86
  - \$86 for 4 independent claims over 3.

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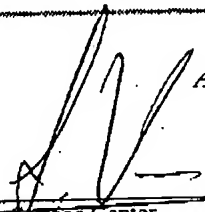
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Page 2 of 2

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

BEST AVAILABLE COPY

GNF Docket No.: P1057US10  
Confirmation No.: 4804

PTO/SB/97 (08-03)

Approved for use through 07/31/2008. OMB 0551-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence for U.S. Patent Application No. 10/680,806 filed October 6, 2003 in re John R. Walker, *et al.* is being facsimile transmitted to the United States Patent and Trademark Office at facsimile number (703) 746-4060 on February 22, 2005.

Date

Signature

Jill R. Clarke

Typed or printed name of person signing Certificate

Customer No. 29490  
Genomics Institute of the Novartis Research Foundation  
Telephone: 858-812-1855  
Fax: 858-812-1981

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

## Attachments:

1. Form PTO/SB/21 Transmittal Form (1 pg.);
2. Form PTO/SB/17 Fee Transmittal FY 2005 (Form PTO/SB/17) (1 pg. + 1 pg. copy);
3. Three executed Forms PTO/SB/01A (3 pgs.);
4. Copy of Initial ADS (4 pgs.);
5. Copy of Notice to File Missing Parts mailed 10/18/04 (2 pgs.);
6. Fax Cover Sheet with Certificate of Transmission under 37 CFR 1.8 (1 pg.).

Total pages (including this paper): 13

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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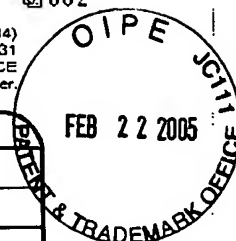
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PTO/SB/21 (09-04)

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|   |                      |                        |           |
|---|----------------------|------------------------|-----------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 10/680,806             |           |
|   | Filing Date          | 10/06/2003             |           |
|   | First Named Inventor | John R. Walker         |           |
|   | Art Unit             | 1646                   |           |
|   | Examiner Name        |                        |           |
| Total Number of Pages in This Submission  | 13                   | Attorney Docket Number | P1057US10 |

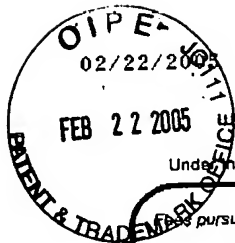
| ENCLOSURES (check all that apply)   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input checked="" type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><input checked="" type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below):<br>1. Form PTO/SB/21 Transmittal Form (1 pg.);<br>2. Form PTO/SB/17 Fee Transmittal FY 2005 (Form PTO/SB/17) (1 pg. + 1 pg. copy);<br>3. Three executed Forms PTO/SB/D1A (3 pgs.);<br>4. Copy of Initial ADS (4 pgs.);<br>5. Copy of Notice to File Missing Parts mailed 09/23/04 (2 pgs.); and<br>6. Fax Cover Sheet with Certificate of Transmission under 37 CFR 1.6 (1 pg.) |
| <b>Remarks:</b> A three-month extension of time to reply to the Notice to File Missing Parts mailed on September 23, 2004 is respectfully requested.  |  |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |  |          |        |
|--|--|----------|--------|
| Firm                                       | Genomics Institute of the Novartis Research Foundation |          |        |
| Signature                                  |  |          |        |
| Printed Name                               | Timothy L. Smith, Ph.D.                                |          |        |
| Date                                       | February 22, 2005                                      | Reg. No. | 35,367 |

| CERTIFICATE OF TRANSMISSION/MAILING  |                |      |                   |
|--|----------------|------|-------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the US PTO at facsimile No.: 703-746-4060 on the date shown below. |                |      |                   |
| Signature  |                |      |                   |
| Typed or printed name  | Jill R. Clarke | Date | February 22, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04v2)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|  |  |                          |                |
|--|--|--------------------------|----------------|
| <b>FEE TRANSMITTAL<br/>for FY 2005</b>   |  | <b>Complete if Known</b> |                |
|  |  | Application Number       | 10/680,606     |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 |  | Filing Date              | 10/07/2003     |
|  |  | First Named Inventor     | John R. Walker |
| TOTAL AMOUNT OF PAYMENT (\$)   |  | Examiner Name            |                |
|  |  | Art Unit                 | 1846           |
|  |  | Attorney Docket No.      | P1057US10      |

**METHOD OF PAYMENT** (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 50-1885 Deposit Account Name: Genomics Institute of the Novartis Research Foundation

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments

Under 37 CFR 1.16 and 1.17

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                      | SEARCH FEES |                      | EXAMINATION FEES |                      | Fees Paid (\$) |
|------------------|-------------|----------------------|-------------|----------------------|------------------|----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee(\$) | Fee(\$)     | Small Entity Fee(\$) | Fee(\$)          | Small Entity Fee(\$) |                |
| Utility          | 300         | 150                  | 500         | 250                  | 200              | 100                  |                |
| Design           | 200         | 100                  | 100         | 50                   | 130              | 65                   |                |
| Plant            | 200         | 100                  | 300         | 150                  | 160              | 80                   |                |
| Reissue          | 300         | 150                  | 500         | 250                  | 600              | 300                  |                |
| Provisional      | 200         | 100                  | 0           | 0                    | 0                | 0                    |                |

**2. EXCESS CLAIM FEES**

| Fee Description                                     | Small Entity Fee (\$) | Fee (\$) |
|---|-----------------------|----------|
| Each claim over 20 (including Reissues)             | 50                    | 25       |
| Each independent claim over 30 (including Reissues) | 200                   | 100      |
| Multiple dependent claims                           | 360                   | 180      |

**Total Claims**      **Extra Claims**      **Fee(\$)**      **Fee Paid (\$)**

\_\_\_\_\_ -20 or HP= \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims**      **Extra Claims**      **Fee(\$)**      **Fee Paid (\$)**

\_\_\_\_\_ -3 or HP= \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets  | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$)         |
|---|--------------|--|----------|-----------------------|
| _____   | _____        | _____  | _____    | _____                 |
| _____ - 100 = _____ / 50 = _____ (round up to a whole number) x |              |  |          | <b>Fees Paid (\$)</b> |

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : Three Month Extension of Time (\$1,020) + Filing Surcharge (\$130)      **\$1,150**

|                     |                         |                  |        |           |                   |
|---------------------|-------------------------|------------------|--------|-----------|-------------------|
| <b>SUBMITTED BY</b> |                         | Registration No. | 35,367 | Telephone | 959-912-1547      |
| Signature           |                         | (Attorney/Agent) |        | Date      | February 22, 2005 |
| Name (Print/Type)   | Timothy L. Smith, Ph.D. |                  |        |           |                   |

This collection of information is required by 37 CFR 1.135. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is covered by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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